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Application GRANTED  
 SO ORDERED  
 8-1-24

July 26, 2024

**Via ECF**

Hon. P. Kevin Castel  
 U.S. District Court for the Southern District of New York  
 500 Pearl Street  
 New York, NY 10007

Re: *John Doe v. City of New York, et al.*, 22-cv-2690 (PKC) (KHP)

Dear Judge Castel:

This firm represents Plaintiff John Doe in this case. We submit this letter-motion to respectfully request, pursuant to the Court's Individual Practices, that the Court permit the filing of Exhibit 1 to Plaintiff's response (ECF No. 166) to Defendants' pre-motion letter regarding their proposed motion for summary judgment (ECF Nos. 164, 165). OK

We make this request because Exhibit 1 consists of excerpts from the transcript of the deposition of one of the Assistant District Attorneys who led the prosecution of Plaintiff's criminal case and includes the ADA's testimony regarding Plaintiff and his work as a confidential informant for the New York Police Department (NYPD). Additionally, the transcript includes Plaintiff's name, Defendant NYPD Sergeant Richard Roe's name, and the names of other individuals involved in the underlying events that gave rise to this lawsuit, which would reveal Plaintiff's identity.

For Plaintiff's safety, his identity has been sealed and protected since the case was filed. See ECF No. 146 at 1 n.1 (filing decision in redacted form to protect highly sensitive information about Plaintiff and his work as a confidential informant); see also *Tomassini v. FCA US LLC*, No. 14 Civ 1226, 2017 WL 9400672, at \*4 (N.D.N.Y. Jan. 6, 2017) ("Higher values that have been found to overcome the First Amendment [right to access judicial documents] include . . . a person's physical safety"); *Sec. & Exch. Comm'n v. Ripple Labs, Inc.*, No. 20 Civ. 10832, 2022 WL 17751466, at \*2 & n.5 (S.D.N.Y. Dec. 19, 2022) (finding sealing of documents to be proper where they would reveal witnesses' identities to preserve the "higher value[] of witness safety" (citing *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 124 (2d Cir. 2006))).

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Sealing is the only way to safeguard Plaintiff's identity; it would not be possible to redact sufficient portions of Exhibit 1 to achieve that goal.

We thank the Court for its consideration.

Respectfully submitted,

/s/

Emily K. Wanger

c. All parties via ECF